THE HON'BLE MS. JUSTICE G. ROHINI

W.P.No. 25821 of 2005

Between:-

Abdur Raheem Bin A. Rahman

Petitioner

And

The Government of India, rep., by its Chief Secretary and another.

Respondents

DATED: 18-09-2006

THE HON'BLE MS. JUSTICE G. ROHINI

W.P.No. 25821 of 2005

:ORAL ORDER:

Heard both the learned counsel for the petitioner as well as the learned Assistant Solicitor General appearing for the respondents.

The writ petition is filed aggrieved by the action of the 2nd respondent – The Regional Passport Officer, Hyderabad, Andhra Pradesh – in not correcting the date of birth of the petitioner in his passport bearing No. A 0083200, as arbitrary and illegal.

The petitioner sates that he was issued a passport on 29-01-1996 in which his date of birth was wrongly shown as 09-04-1956 instead of 09-04-1965. Hence he made an application to the 2nd respondent requesting to correct the error in the passport with regard to his date of birth enclosing birth certificate issued by the municipal authorities to establish the correct date of birth. However,

the 2nd respondent refused to receive the application. Hence this writ petition.

It is to be noted that the Government of India, Ministry of External Affairs, issued circular dated 18.04.2001, which reads as under:

> (a) Where an applicant is seeking rectification/Correction of a mistake in the entry of date of birth/place of birth in the passport, PIA (Passport Issuing Authority) may after verifying/satisfying himself, after the correction treating the same as a technical correction. There is no need for a declaratory order in such cases.
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> (b) Where a competent authority issuing a birth certificate or an educational board registering a date of birth along with place of birth as valid were to issue any correction or amendment, PIA may effect the necessary amendment in the passport without insisting on a Court Order. As per the provisions of Section 21 of the General clauses Act, 1997, a competent authority issuing a certificate could also make necessary amendments to the same.
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> (c) Where the initial entry has been made on the basis of a supportive document issued by one competent authority and the applicant subsequently requests for a change on the basis of a certificate issued by another competent authority i.e., municipal authorities resulting in conflicting sources of valid proof, the PIA should direct the applicant to obtain a civil order from a competent Court of jurisdiction, certifying the valid date of birth/place of birth."

Having considered the above circular, this Court in **Ali Imran v. Regional Passport Officer, Secunderabad** [1] held that as per the circular dated 18.04.2001, it is permissible to accept the applications for rectification/correction of the entries in the passport.

The learned counsel for the petitioner submits that the correction of date of birth of the petitioner was only a technical correction, and therefore, it falls under clause (a) of the circular. In support of his submission the learned counsel relied upon the decision in **Asra Begum v. Regional Passport Officer, Secunderabad** [2].

Having regard to the facts and circumstances of the case and following the decision of this Court in **Ali Imran's case** (1 supra), the writ petition is disposed of granting liberty to the petitioner to make a fresh application with relevant material to substantiate his plea, within a period of two weeks from the date of receipt of a copy of this order, and if any such application is made, the respondents are directed to receive and consider the same in accordance with the circular dated 18.04.2001 and pass appropriate orders in accordance with law and communicate the same to the petitioner within a period of four weeks thereafter.

The writ petition is accordingly, disposed of. No costs.

G. ROHINI, J

Dated:18-09-2006

Pvks/*
Nb: Furnish c.c. in one week.
B/o pvks.

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[1] 2003(3) ALD 625;
[2] 2004(6) ALD 360.